

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Glendale for  
Authority to Construct an At-Grade  
Crossing of Flower Street Across the Los  
Angeles County Metropolitan  
Transportation Authority's Main Line  
Tracks in the City of Glendale, Los  
Angeles County.

Application No. 05-06-020

**PROTEST OF  
THE RAIL CROSSINGS ENGINEERING SECTION  
OF THE CONSUMER PROTECTION AND SAFETY DIVISION**

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July 14, 2005

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**I. INTRODUCTION**

Pursuant to the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), Title 20, California Code of Regulations, Rules 6(a)(2), 44.1, and 87, the Rail Crossings Engineering Section (“RCES”) of the Consumer Protection and Safety Division (“Division”) respectfully submits this protest to the application of the City of Glendale for authority to construct an at-grade crossing of Flower Street (proposed Crossing No. 101VY—8.5) across the Los Angeles County Metropolitan Transportation Authority’s Main Line Tracks in the City of Glendale, County of Los Angeles.

**II. GROUNDS FOR PROTEST**

RCES protests the City’s application on the following grounds:

1. This crossing was the subject of a previous application granted by the Commission in D.01-02-022 but which expired March 12, 2003, two years from the effective date of the Decision. On May 13, 2003, the Director of the Division informed the City that he could not extend the date of the Commission’s Decision. The Director further notified the City that it should file a new Application and provide the Commission and its staff with a new traffic study for the crossing since both motor vehicle traffic and Southern California Regional Rail Authority’s (“SCRRA’s”) Metrolink rail traffic over the rail corridor had changed since the 1999 traffic study provided discussed in D.01-02-022. The City has not provided the Commission with a new traffic study in this new Application. A new traffic study should incorporate the following items in order to adequately assess the safety of the proposed at-grade crossing:

- a) The projected average daily (motor vehicle) traffic for the proposed crossing.
- b) The effect of the crossing closures at Bekins Way and Allen Avenue on motor vehicle traffic circulation in the immediate area of the proposed crossing.
- c) Recent motor vehicle-train accidents in the area of the proposed crossing.
- d) New and future anticipated commercial/residential developments in the area that may affect motor vehicle traffic at the proposed crossing.<sup>1</sup>

2. Since the Commission's earlier approval of an at-grade crossing in February of 2001, there have been several grade crossing accidents on this Metrolink line.

3. As proposed, this crossing will have six traffic lanes of varying dimensions.

4. The proposed design of the crossing provides for a clear storage distance for waiting motor vehicle traffic of approximately 15 feet which may prove to be inadequate to accommodate the large semi-trailer truck traffic serving nearby businesses. Therefore, the proposed design of the crossing does not appear to allow long vehicles to wait at the intersection on a red light without encroaching on and over the tracks.

5. This crossing is located on a Metrolink line carrying passengers at high-speed (79 mph) in 62 trains daily and 17 Union Pacific Railroad Company freight trains daily traveling at speeds of 55 mph.

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<sup>1</sup> A Los Angeles Daily News article dated December 16, 2004 states that the Walt Disney Company broke ground on the first phase of a 125-acre campus that eventually will house its theme park designers, sound stages, and high-tech business center located at Grandview Avenue and Flower Street in Glendale. Under the plan, dozens of four-to-six story buildings are proposed to house 10,000 Disney and other high-tech employees. Dreamworks already has a facility near the crossing.

6. At the crossing, the Metrolink line is double tracked.
7. The proposed at-grade crossing is located between two parallel roadways at San Fernando Road (15 feet east of the crossing) and Air Way (200 feet west of the crossing).
8. The crossing is redundant in that the Grandview Avenue crossing is located just 0.21 miles to the north. A grade separated crossing connecting with Highway 5 is located one mile to the north at Western Avenue. A proposed grade separated crossing at Fairmont Avenue is located 0.40 miles to the south and an at-grade crossing is located 0.51 miles to the south of the proposed crossing in this Application.
9. A current average daily traffic count and traffic study may indicate additional problems at the proposed at-grade crossing site.
10. Finally, the City has failed to demonstrate that a grade separation at this crossing is “impracticable” pursuant to the Commission’s Rule 38(d), Public Utilities Code section 1202(c), and *City of San Mateo v. Railroad Comm’n of California* (1937) 9 Cal. 2d 1.

“In these days of heavy automobile traffic the hazards to life and limb by reason of the numerous railroad crossings at grade is a matter of great public concern. To eliminate unnecessary grade crossings and to minimize the hazards created thereby has become a definite governmental state policy. To effectuate the desired results it is necessary that some public authority be vested with power to compel compliance with regulatory orders. The Constitution and statutes have vested that power in the . . . Commission.” (*Id.*, 9 Cal. 2d at pp. 9-10.)

### **III. CONCLUSION**

For the foregoing reasons, RCES contends that the safety of this proposed at-grade crossing has not been adequately addressed by the City’s Application. Therefore, RCES timely protests the Application and requests a prehearing

conference establishing a proceeding schedule, assignment of an Administrative Law Judge, and a hearing in this matter.

Respectfully submitted,

/s/ PATRICK S. BERDGE

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## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document entitled PROTEST OF THE RAIL CROSSINGS ENGINEERING SECTION OF THE CONSUMER PROTECTION AND SAFETY DIVISION upon the parties in this proceeding listed below by mailing by first-class U.S. postage a copy thereof properly addressed to each named individual.

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Dated at San Francisco, California this 14<sup>th</sup> day of July, 2005.

/s/ ALBERT HILL

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Albert Hill